

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Labour and Information Department

Notification

1/486/75.LAB(ESI)/13/809

In exercise of the powers conferred by sub-section (5) of Section 1 of the Employees' State Insurance Act, 1948 (Central Act 34 of 1948), the Government of Goa, Daman and Diu, in consultation with the Employees' State Insurance Corporation and with the approval of the Central Government, hereby extends the provisions of the said Act to the classes of establishments specified in column 1 of the Schedule appended hereto with effect from 2nd July, 1977. The same having been previously published in the Official Gazette Series III, No. 13 dated 24-6-1976 under the Notification No. 1/486/75-LAB(ESI)/III/951 dated 16-6-76 of Labour and Information Department, Government of Goa, Daman and Diu as amended by Notification No. 1/486/75-LAB(ESI)/13/1155 dated 28-7-1976 published in Official Gazette Series III, No. 19 dated 5-8-1976 at page 171.

SCHEDULE

Description of establishments	Areas in which the establishments are situated
1	2

1. Any premises including the precincts thereof whereon ten or more persons but in any case less than twenty persons are employed or were employed for wages on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on; but excluding a mine subject to the operation of the Mines Act, 1952 (Central Act 35 of 1952), or a railway running shed or an establishment which is exclusively engaged in any of the

The revenue limits of:—

1. The Circles Panaji and Carambolim in Taluka Ilhas;
2. The Circles Margao, Verna and Benaulim in Taluka Salcete;
3. The Circles Mapusa and Calangute in Taluka Bardez;
4. The Circles Vasco da Gama and Cansaulim in Taluka Mormugao;
5. The Circles Ponda and Priol in Taluka Ponda;
6. The circles Bicholim and Sanquelim in Taluka Bicholim, and

manufacturing processes specified in clause (12) of Section 2 of the Employees' State Insurance Act, 1948 (Central Act 34 of 1948).

2. Any premises including the precincts thereof whereon twenty or more persons are employed or were employed for wages on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on; but excluding a mine subject to the operation of the Mines Act, 1952 (Central Act 35 of 1952) or a railway running shed or an establishment which is exclusively engaged in any of the manufacturing processes specified in clause (12) of Section 2 of the Employees' State Insurance Act, 1948 (Central Act 34 of 1948).

3. The following establishments whereon twenty or more persons are employed or were employed for wages on any day of the preceding twelve months, namely:—

- i) Hotels;
- ii) Restaurants;
- iii) Shops;
- iv) Road Motor Transport Establishments;
- v) Cinemas including preview theatres;
- vi) Newspaper Establishments as defined in clause (d) of Section 2 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (Central Act 45 of 1955).

7. The Circles Quepem in Taluka Quepem, in the Goa district of the Union Territory of Goa, Daman and Diu.

— do —

The revenue limits of:—

1. The Circles Panaji and Carambolim in Taluka Ilhas;
2. The Circles Margao, Verna and Benaulim in Taluka Salcete;
3. The Circles Mapusa and Calangute in Taluka Bardez;
4. The Circles Vasco da Gama and Cansaulim in Taluka Mormugao;
5. The Circles Ponda and Priol in Taluka Ponda;
6. The Circles Bicholim and Sanquelim in Taluka Bicholim, and
7. The Circles Quepem in Taluka Quepem, in the district of Goa of the Union Territory of Goa, Daman and Diu.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. Noronha, Under Secretary (Industries and Labour).

Panaji, 21st June, 1977.

Law and Judiciary Department

Notification

LD/2784/77

The following ordinance which was promulgated by the President of India on 24-5-1977 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 18th June, 1977.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 24th May 1977

THE YOGA UNDERTAKINGS (TAKING OVER OF MANAGEMENT) ORDINANCE, 1977

No. 8 of 1977

Promulgated by the Vice-President acting as President in the Twenty-eighth Year of the Republic of India

An Ordinance to provide for the taking over of the management of the undertakings of the two yoga societies for a limited period in the public interest and in order to secure the proper management thereof and for matters connected therewith or incidental thereto.

Whereas Parliament is not in session and the Vice-President acting as President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the Vice-President acting as President is pleased to promulgate the following Ordinance:—

CHAPTER I

Preliminary

1. *Short title and commencement.*— (1) This Ordinance may be called the Yoga Undertakings (Taking Over of Management) Ordinance, 1977.

(2) It shall come into force at once.

2. *Definitions.*— In this Ordinance, unless the context otherwise requires, —

(a) "Administrator" means the person or body of persons appointed as the Administrator under section 4;

(b) "appointed day" means the date of promulgation of this Ordinance;

(c) "prescribed" means prescribed by rules made under this Ordinance;

(d) "Societies Registration Act" means the Societies Registration Act, 1860, as in force in the Union territory of Delhi;

(e) "two Yoga Societies" means the —

(i) Vishwayatan Yogashram, a society registered under the Societies Registration Act and

having its registered office at B-35, Defence Colony, New Delhi; and

(ii) Central Research Institute for Yoga, a society registered under the Societies Registration Act, and having its registered office at Yogashram, Ashok Road, New Delhi;

and the expression "Yoga Society" shall be construed as referring to one of the two Yoga Societies;

(f) words and expressions used herein and not defined but defined in the Societies Registration Act shall have the meanings, respectively, assigned to them in that Act.

CHAPTER II

Taking over of the Management of the Undertakings of the Two Yoga Societies

3. *Management of the undertakings of the two Societies.*— (1) On and from the appointed day, and for a period of two years thereafter, the management of the undertakings of the two Yoga Societies shall vest in the Central Government:

Provided that if the Central Government is of opinion that in order to secure the proper management of the undertakings of either, or both, of the Yoga Societies, it is expedient that such management should continue to vest in the Central Government after the expiry of the said period of two years, it may, from time to time, issue directions for the continuance of such management for such period, not exceeding one year at a time, as it may think fit; so, however, that the total period for which such management shall continue to vest in the Central Government shall not, in any case, exceed five years.

(2) The undertaking of each of the two Yoga Societies shall be deemed to include all assets, rights, lease-holds, powers, authorities and privileges and all property, movable and immovable, including lands, buildings, works, workshops, projects, stores, instruments, machinery, aircraft, automobiles and other vehicles, cash balances, reserve funds, investments and book debts and all other rights and interests arising out of such property as were immediately before the appointed day in the ownership, possession, power or control of each of the two Yoga Societies, whether within or without India, and all books of account, registers, maps, plans and all other documents of whatever nature relating thereto.

(3) Any contract, whether express or implied, or other arrangement, in so far as it relates to the management of the business and affairs of the undertakings of either, or both, of the two Yoga Societies and in force immediately before the appointed day shall be deemed to have terminated on the appointed day.

(4) All persons in charge of the management of either of the two Yoga Societies, including persons holding offices as directors, managers, members of the Governing Body or Board of Trustees or any other managerial personnel of either, or both, of the two Yoga Societies immediately before the appointed day shall be deemed to have vacated their Offices as such on the appointed day.

4. *Administrator of the Yoga Societies.*— (1) The Central Government shall, as from the appointed day, appoint a person or a body of persons as the Admini-

nistrator of the undertakings of the two Yoga Societies for the purpose of taking over the management thereof and the Administrator shall carry on the management of the undertakings of the two Yoga Societies for and on behalf of the Central Government.

(2) The Central Government may issue such directions (including directions as to initiating, defending or continuing any legal proceedings before any court, tribunal or other authority) to the Administrator as to his powers and duties as that Government may deem desirable and the Administrator may apply to the Central Government at any time for instructions as to the manner in which he shall conduct the management of the undertakings of the two Yoga Societies or in relation to any matter arising in the course of such management.

(3) Subject to the other provisions of this Ordinance and to the control of the Central Government, the Administrator shall be entitled, notwithstanding anything contained in the Societies Registration Act or in any other law for the time being in force, to exercise, in relation to the undertakings of the two Yoga Societies, the powers of the Governing Body, or, as the case may be, the Board of Trustees, of the respective Yoga Society, including the powers to dispose of any property or assets of such society, whether such powers are derived under the Societies Registration Act or from the memorandum and rules or regulations of the concerned Yoga Society or from any other source.

(4) Every person having possession, custody or control of any property forming part of the undertakings of either of the two Yoga Societies shall deliver forthwith such property to the Administrator or to any officer or other employee of the Central Government, as may be authorised by the Central Government in this behalf.

(5) Any person who, on the appointed day, has in his possession or under his control any books, papers or other documents relating to the undertakings of either of the two Yoga Societies, including the minutes books containing the resolutions of the persons in charge of the management of the concerned Yoga Society before the appointed day, current cheque books relating to the undertakings of the concerned Yoga Society, any letters, memoranda, notes and other communications between him and either of the two Yoga Societies shall, notwithstanding anything contained in any other law for the time being in force, be liable to account for the books, papers and other documents (including such minutes books, cheque books, letters, memoranda notes and other communications) to the Administrator or to any such person (being an officer or other employee of the Central Government) as may be authorised by the Central Government in this behalf.

(6) Every person in charge of the management of the undertakings of either of the two Yoga Societies immediately before the appointed day shall, within ten days from that day or within such further period as the Central Government may allow in this behalf, furnish to the Administrator a complete inventory of all the properties and assets (including particulars of book debts and investments and belongings) forming part of the undertakings of the concerned Yoga Society immediately before the appointed day and of all the liabilities and obligations of the con-

cerned Yoga Society, in relation to its undertakings, subsisting immediately before that date and also of all agreements entered into by either, or both, of the two Yoga Societies in relation to its or their undertakings and in force immediately before that day.

(7) The Administrator shall receive from the funds of the two Yoga Societies such remuneration as the Central Government may fix.

5. *No right to compensation for premature termination of a contract.* — Notwithstanding anything contained in any law for the time being in force, no person in respect of whom any contract of management or other arrangement is terminated by reason of the provisions contained in sub-section (3) of section 3 or who ceases to hold any office by reason of the provisions contained in sub-section (4) of that section, shall be entitled to claim any compensation for the premature termination of the contract of management or other arrangement or for the loss of his office.

6. *Relinquishment of management of the Yoga Societies.* — (1) Notwithstanding anything contained in sub-section (1) of section 3, if at any time before the expiry of the period referred to in that sub-section it appears to the Central Government that the purposes of the vesting of the management of the undertakings of either, or both, of the Yoga Societies in that Government have been fulfilled or that for any other reason it is not necessary that the management of the undertakings of either, or both, of the Yoga Societies should remain vested in that Government, it may, by order published in the Official Gazette, relinquish the management of the undertakings of either, or both, of the Yoga Societies with effect from such date as may be specified in the order.

(2) On and from the date specified under sub-section (1), the management of the undertakings of the concerned Yoga Society shall vest in the Governing Body (by whatever name called) of the concerned Yoga Society and such management shall be carried on in accordance with the provisions of the Societies Registration Act, so, however, that the steps, if any, in relation to the management of the undertakings of the Yoga Societies may be taken after the publication of the order under sub-section (1).

7. *Application of Act 21 of 1860.* — (1) Notwithstanding anything contained in the Societies Registration Act or in the memorandum and rules and regulation of either of the Yoga Societies but subject to the provisions of sub-section (2) of section 6, so long as the management of the undertakings of the Yoga Societies remains vested in the Central Government, —

(a) it shall not be lawful for the members of either of the two Yoga Societies or any other person to nominate or appoint any person to be a member of the Governing Body (by whatever name called) of either of the two Yoga Societies;

(b) no resolution passed at any meeting of the members of either of the two Yoga Societies or at any meeting of the Governing Body (by whatever name called) of either of the two Yoga Societies, on or after the appointed day, shall be given effect to unless approved by the Central Government;

(c) no proceeding for the dissolution of either of the two Yoga Societies or for their merger with any other society or for the appointment of a Receiver in respect of any undertaking thereof shall lie in any court except with the consent of the Central Government.

(2) Subject to the provisions contained in sub-section (1) and subject to such other exceptions, restrictions and limitations, if any, as the Central Government may, by notification in the Official Gazette, specify in this behalf, the Societies Registration Act shall continue to apply to the Society in the same manner as it applied thereto before the appointed day.

CHAPTER III

Miscellaneous

8. *Penalties.*—Any person who,—

(a) having in his possession or custody or under his control any property forming part of the undertakings of either of the two Yoga Societies, wrongfully withholds such property from the Administrator or any person authorised under this Ordinance, or

(b) wrongfully obtains possession of any such property, or

(c) wilfully retains any property forming part of any of the undertakings of either of the two Yoga Societies or removes or destroys it, or

(d) wilfully withholds or fails to deliver any books, papers or other documents which may be in his possession or custody or under his control to the Administrator or any person authorised under this Ordinance, or

(e) fails, without any reasonable cause, to furnish information or particulars as provided in sub-section (6) of section 4.

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

9. *Offences by companies.*—(1) Where an offence under this Ordinance has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

10. *Exclusion of period of operation of Ordinance.*—In computing the period of limitation prescribed by any law for the time being in force for any suit or application against any person by either of the two Yoga Societies in respect of any matter arising out of any transaction in relation to their undertakings, the time during which this Ordinance is in force shall be excluded.

11. *Ordinance to have overriding effect.*—The provisions of this Ordinance or any notification, order or rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any law other than this Ordinance or in any instrument having effect by virtue of any law other than this Ordinance or in any decree or order of any court.

12. *Protection of action taken in good faith.*—(1) No suit, prosecution or other legal proceeding shall lie against the Administrator or any officer or other employee of the Central Government for anything which is in good faith done or intended to be done under this Ordinance.

(2) No suit or other legal proceeding shall lie against the Central Government or the Administrator or any of the officers or other employees of the Central Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Ordinance.

13. *Contracts in bad faith may be cancelled or varied.*—(1) If the Central Government is satisfied, after such enquiry as it may think fit, that any contract or agreement entered into at any time within three years immediately preceding the appointed day, between either of the two Yoga Societies, in so far as such contract or agreement relates to the undertakings of such Yoga Society, has been entered into in bad faith, or is detrimental to the interests of the concerned Yoga Society, it may make an order cancelling or varying (either unconditionally or subject to such conditions as it may think fit to impose) such contract or agreement and thereafter the contract or agreement shall have effect accordingly:

Provided that no contract or agreement shall be cancelled or varied except after giving to the parties to the contract or agreement reasonable opportunity of being heard.

(2) Any person aggrieved by an order under sub-section (1) may make an application to the High Court at Delhi for the variation or reversal of such order and thereupon such court may confirm, modify or reverse such order.

14. *Power to terminate contract of employment.*—If the Administrator is of opinion that any contract of employment entered into by either of the two Yoga Societies in relation to their undertakings, at any time before the appointed day, is unduly onerous, he may, by giving to the employee one month's notice

in writing or the salary or wages for one month in lieu thereof, terminate such contract of employment.

15. *Power to make rules.* — (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Ordinance.

(2) Every rule made by the Central Government under this Ordinance shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

B. D. JATTI,

Vice-President acting as President.

K. K. SUNDARAM

Secy. to the Govt. of India.

Notification

LD/6015/X/76

The following Central Act The Constitution (Forty-First Amendment) Act, 1976 which was recently passed by the Parliament and assented to by the President of India on 7-9-76 and published in the Gazette of India Part II, Section I dated 9-9-76 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 21st December, 1976.

The Constitution (Forty-First Amendment) Act, 1976

AN

ACT

further to amend the Constitution of India.

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows: —

1. *Short title.* — This Act may be called the Constitution (Forty-first Amendment) Act, 1976.

2. *Amendment of article 316.* — In article 316 of the Constitution, in clause (2), for the words "sixty years", the words "sixty-two years" shall be substituted.

Notification

LD/2999/77

The following Notifications received from the Government of India, Department of Revenue and Banking New Delhi, are hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 22nd June, 1977.

Department of Revenue & Banking

(Banking Wing)

Notification

New Delhi, the 21st February, 1977

S. O. 183(E). — In exercise of the powers conferred by sub-section (2) of the section 1 of the Banking Service Commission Act, 1975 (42 of 1975), the Central Government hereby appoints the twenty first day of February, 1977 as the date on which the said Act shall come into force.

[No. F. 2/5/10/75-IR(i)]

Notification

New Delhi, the 28th February, 1977

S. O. 201 (E). — In exercise of the powers conferred by sub-section (2) of section 1 of the State Bank Laws (Amendment) Act, 1973 (48 of 1973), the Central Government hereby appoints the 1st day of March, 1977, as the date on which section 6, 12 and 13 of the said Act shall come into force.

[No. F. 3/7/73-B.C.I]

Notification

LD/3049/77

The following Notifications received from the Government of India, Ministry of Labour New Delhi, are hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 25th June, 1977.

GOVERNMENT OF INDIA

BHARAT SARKAR

MINISTRY OF LABOUR

(SHRAM MANTRALAYA)

Dated New Delhi, 110001, the 4-5-1977

Notification

G. S. R. — In exercise of the powers conferred by section 6C read with sub-section (i) of section 7 of Employees' Provident Funds and Miscellaneous Pro-

visions Act, 1952 (19 of 1952), the Central Government hereby makes the following scheme further to amend the Employees Deposit-linked Insurance Scheme, 1976, namely: —

1. (1) This Scheme may be called the Employees Deposit-linked Insurance (Amendment) Scheme, 1977.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Employees Deposit-linked Insurance Scheme, 1976, sub-paragraph (4) of paragraph 10, and paragraph 27 shall be omitted.

(No. H. 11013(2)/76-PFII(ii))

Sd/-

(S. S. SAHASRANAMAN)

Deputy Secretary

Dated New Delhi-110001, the 17th May, 1977

Notification

G. S. R. — Whereas the Central Government is of opinion that a provident fund scheme should be framed under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) in respect of the employees of beedi industry, that is to say, any industry engaged in the manufacture of beedis;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby adds with effect from the 31st May, 1977 the said industry to Schedule I of the said Act.

(No. 4(9)/66-PFII)

Sd/-

(S. S. SAHASRANAMAN)

Deputy Secretary